

COMMISSIONERS APPROVAL

GRANDSTAFF *CG*
ROKOSCH *JLR*
THOMPSON *AT*
CHILCOTT *gc*
DRISCOLL *KD*

PLETTENBERG (Clerk & Recorder)

Members Present..... Commissioner Carlotta Grandstaff,
Commissioner Alan Thompson, Commissioner Greg Chilcott and Commissioner
Kathleen Driscoll

Date.....March 26, 2008

Minutes: Beth Perkins

► The Board met for public meeting for Reflection Minor Subdivision. Present were
Planner John Lavey, Civil Counsel Karen Mahar, Developer Dave Hurtt, and Consultant
WGM Kristin Smith.

Commissioner Grandstaff called the meeting to order and requested the Planning Staff
Report be read.

John presented the Staff Report as follows:

**REFLECTION (HURTT)
TWO-LOT FIRST MINOR SUBDIVISION**

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER: John Lavey

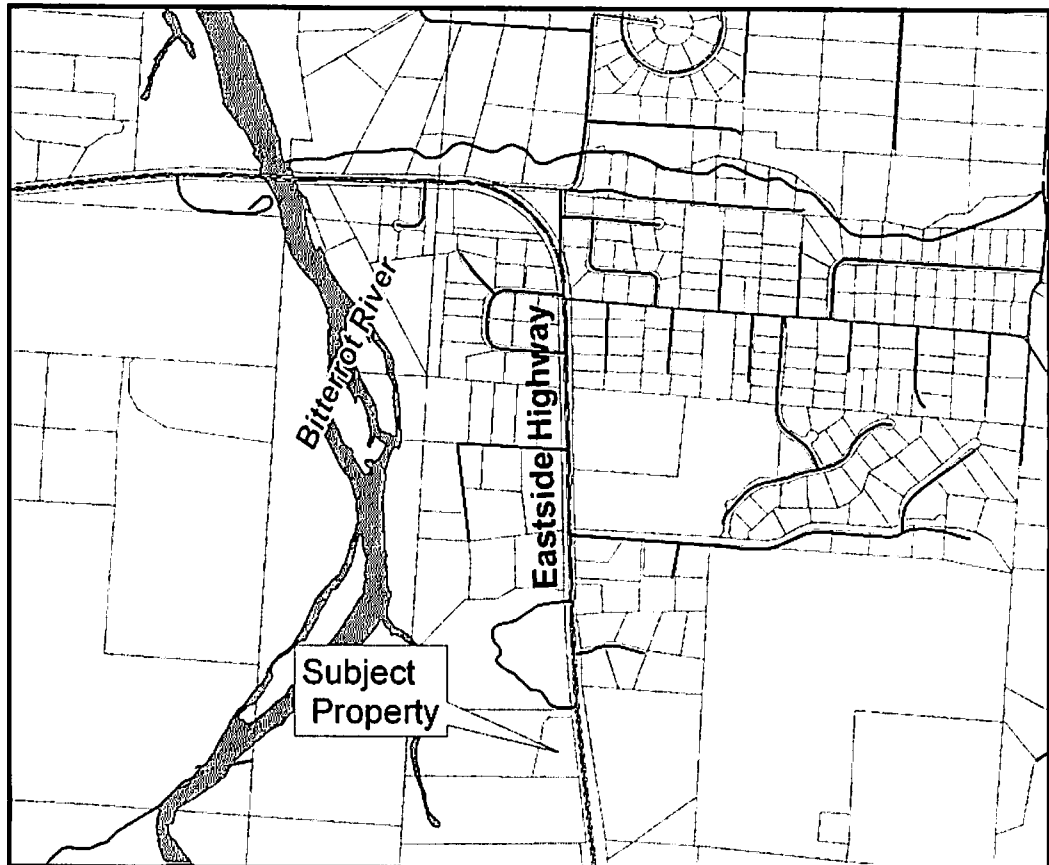
**REVIEWED/
APPROVED BY:** Renee Lemon

**PUBLIC HEARINGS/
MEETINGS:** BCC Public Meeting: 9:30 a.m. March 26, 2008
Deadline for BCC action (35 working days): April 4, 2008

SUBDIVIDER/OWNER: Dave and Dolores Hurtt
5908 Eastside Highway
Florence, MT 59833

REPRESENTATIVE: WGM Group
Kristin Smith
PO Box 16027
Missoula, MT 59808

LOCATION OF REQUEST: The property is located southeast of Florence
off Eastside Highway. (See Map 1)



Map 1: Location Map
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

COS# 569431-A, located in Section 18, T10N, R19W,
P.M.M., Ravalli County, Montana.

APPLICATION

INFORMATION:

The subdivision application was determined complete on February 14, 2008. Agencies were notified of the subdivision and comments received by the Planning Department not included in the application packet are Exhibits A-1 through A-16 of the staff report. **This subdivision is being reviewed under the subdivision regulations amended May 24, 2007.** On November 7, 2006, voters enacted interim zoning that applied to any subdivision that had not received preliminary approval from the Board of County Commissioners. As a result of the *Lords et al. v Ravalli County* settlement agreement, legal counsel has advised, that subdivisions not part of the lawsuit that should have received a decision prior to the enactment of interim zoning, should be processed in accordance with the settlement.

LEGAL NOTIFICATION:

Notice of the project was posted on the property and adjacent property owners were notified by regular mail postmarked February 21, 2008. No public comments have been received.

**DEVELOPMENT
PATTERN:**

Subject property	Vacant
North	Farmstead Rural
South	Farmstead Rural
East	Agricultural Rural
West	Vacant

INTRODUCTION

The Reflection minor subdivision is a two-lot split proposed on 3.84 acres. Slopes of 25% or greater are located along the western property boundary, and will be encumbered by a no-build/alteration zone. The floodplain of the Bitterroot River is in close proximity to this subdivision, and a 100-foot wastewater facility setback is required and has been proposed from the floodplain.

Staff recommends conditional approval of the subdivision proposal.

RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS

MARCH 26, 2008

REFLECTION

TWO-LOT MINOR SUBDIVISION

RECOMMENDED MOTION

That the Reflection Minor Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE SUBDIVISION

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. *(Section 3-2-8(b)(v), RCSR, Effects on Agriculture)*

Notification of Irrigation Facilities and Easements. Within this subdivision there is an irrigation and drainage easement, as shown on the final plat. All downstream water right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. Activities associated with the maintenance of irrigation facilities may include the operation of heavy equipment, the occasional burning of ditch vegetation, and the use of herbicides. Downstream water right holders must approve any relocation or alteration (e.g. installation of a culvert) of irrigation ditches/pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance, which includes but is not limited to the placement of structures or the planting of vegetation other than grass, is expressly prohibited. *(Section 3-2-8(a) and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities)*

Notification of Water Rights. Neither Lot 1 nor Lot 2 within this subdivision currently have the right to take water from the irrigation and drainage ditches within this subdivision. Taking water without a water right for any purpose is illegal. Residents should consult with the Montana Department of Natural Resources for questions on water rights. *(Section 3-2-8(a) and Section 3-2-8(b)(v), RCSR, Effects of Agricultural Water User Facilities)*

Limitation of Access onto a Public Road. A "no-ingress/egress" restriction exists along the Eastside Highway frontage of this subdivision, excepting the approved approach to the internal subdivision road from Eastside Highway. All lots within this subdivision must use the approved approach. This limitation of access may be lifted or amended only with the approval of the Montana Department of Transportation and the Board of Ravalli County Commissioners. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety)*

Notification of Road Maintenance Agreement. The internal subdivision road, Reflection Court, is not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A road maintenance agreement for this road was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services*)

Notification of No-Build/Alteration Zone. Within this subdivision there is a no-build/alteration zone, as shown on the plat, to restrict building in areas with steep slopes. No new structure may be constructed in this area. No new utilities may be constructed in this area. No fill may be placed in this area and the vegetation shall be retained in its natural condition. Roads, trails, and utility crossings through this area are not permitted. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

Notification of "Very Limited" Soils. Within this subdivision there are areas of the property identified as potentially having soils rated as very limited for road construction and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the very limited soils in question are included as exhibits to this document [*the applicant shall include the reduced plat and exhibits as attachments*]. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health and Safety*)

Floodplain Development. This property is located in close proximity to the Floodplain of the Bitterroot River. The banks of the River are subject to potential soil erosion, flooding and movement of the River's channel. Approval of this subdivision is not a guarantee that properties within this subdivision will be safe from flooding and/or surfacing high groundwater. It is recommended that property owners obtain flood insurance. No paving is permissible in areas delineated as being within the 100-year floodplain. For a complete table of development restrictions and allowances in and near the floodplain, consult the effective Ravalli County Floodplain Regulations. All development within the 100-year floodplain must meet the minimum development standards set forth in the effective Ravalli County Floodplain Regulations. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health and Safety*)

Notification of Wastewater Facility Setback. There is a 100-foot wastewater facility setback from the Bitterroot River floodplain boundary. See Section 4.2(J) of the Ravalli County Subsurface Wastewater Treatment and Disposal Regulations or contact the Ravalli County Environmental Health Department for more information. The 100-foot setback is shown on the final plat. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment and Public Health and Safety*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Floodplain Development. This property is located in close proximity to the floodplain of the Bitterroot River. The banks of the River are subject to potential soil erosion, flooding and movement of the River's channel. A professional survey has been done for this subdivision and portions of the property are located in close proximity to the 100-year floodplain of the Bitterroot River. Approval of this subdivision is not a guarantee that properties within this subdivision will be safe from flooding and/or surfacing high groundwater. It is recommended that property owners obtain flood insurance. No paving is permissible in areas delineated as being within the 100-year floodplain. For a complete table of development restrictions and allowances in and near the floodplain, consult the effective Ravalli County Floodplain Regulations. All development within the 100-year floodplain must meet the minimum development standards set forth in the effective Ravalli County Floodplain Regulations. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health and Safety*)

Waiver of Protest to Creation of RSID/SID. Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services*)

Living with Wildlife. Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bear, mountain lion, wolf, coyote, fox, skunk, raccoon and magpie. Each lot owner shall obtain or be provided and read a copy of the brochure "Living with wildlife," available from the Montana Fish, Wildlife & Parks office in Missoula for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Wildlife & Wildlife Habitat*)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. There is high potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners must be aware of this potential damage. They should be prepared to take the responsibility to plant non-

palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Homeowners should consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.

- b. **Gardens, fruit trees or orchards** are a major wildlife attractant, and fruit-bearing trees and shrubs can regularly attract bears in the fall. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or vegetable material can attract bears, skunks and other wildlife. Gardens should be fenced with one-foot of fencing material below ground level and be at least eight feet in height, in order to discourage wildlife such as deer from feeding in gardens. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. Electric fencing is necessary to effectively prevent wildlife such as bears from entering a garden or fruit tree/shrub area, but only if the fence is properly constructed and regularly monitored and maintained to ensure proper use and function. Consult with the Montana Department of Fish, Wildlife and Parks on the proper techniques to develop and maintain an effective electric fence.
- c. If stored outdoors, **garbage** should be in secure bear-resistant containers; otherwise it should be stored indoors prior to curbside pick-up or transport to a centralized garbage collection site, in order to avoid attracting wildlife such as bears and raccoon. If curbside garbage pick-up is available, garbage cans may not be set out until the morning of garbage pickup and must be brought in no later than that same evening. (Consult Montana Fish, Wildlife & Parks for information on purchasing or constructing bear-resistant trash containers or storage areas.)
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- e. **Birdseed** is an attractant to bears, and outdoor birdfeeders are strongly discouraged from April 1st through the end of November. If used, bird feeders must: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not

be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.

- g. **Pet food and livestock feed** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets and/or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors, and permanent outdoor barbecue grills are discouraged. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears and should be avoided. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)
- k. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- l. These "living with wildlife" covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

No-Build/Alteration Zone. Within this subdivision there is a no-build/alteration zone, as shown on the plat, to restrict building in areas with steep slopes. No new structure may be constructed in this area. No new utilities may be constructed in this area. No fill may be placed in this area and the vegetation shall be retained in its natural condition. Roads, trails, and utility crossings through this area are not permitted. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in

such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. (Section 3-2-8(b)(v), RCSR, Effects on Natural Environment and Wildlife and Wildlife Habitat)

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their structures tested for radon. Contact the Ravalli County Environmental Health Department for further information. (Section 3-2-8(b)(v), RCSR, Effects on Public Health & Safety)

Control of Noxious Weeds. A weed control plan has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Natural Environment)

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Florence Rural Fire District has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the road providing access to the lot as soon as construction on the residence begins. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)

Access Requirements for Lots within this Subdivision. The All Valley Fire Council, which includes the Florence Rural Fire Department, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Rural Fire Department for further information. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)

Building Standards. The All Valley Fire Council recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. It is recommended that any commercial buildings be constructed to meet state building code requirements. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)

Wood Stoves. The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (*Section 3-2-8(b)(v), RCSR, Effects on the Natural Environment*)

Archeological Resources. If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. (*Section 3-2-8(b)(v), RCSR, Effects on all six criteria*)

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services*)
4. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)
5. Prior to final plat approval, the subdividers shall provide a letter from the Florence Rural Fire District stating that the subdividers have provided the

required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for all lots. Alternatively, the subdividers may provide evidence that a \$500 per lot contribution has been submitted to the Florence Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*

6. The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Florence Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Rural Fire District for further information". *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
7. The final plat shall show a no-ingress/egress zone along the Eastside Highway frontage of the subdivision, excepting the approved approach to the internal subdivision road from Eastside Highway, as approved by the Montana Department of Transportation. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
8. Stop signs and road name signs shall be installed at the intersection of the internal subdivision road with Eastside Highway prior to final plat approval. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
9. The subdivider shall submit an (amount)-per-unit contribution to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
10. The internal subdivision road shall be labeled as a "public road and utility easement" on the final plat. *(Section 3-2-8(a) and Section 3-2-8(b)(v), RCSR, Effects on Local Services)*
11. The subdivider shall submit a letter or receipt from the Florence School District stating that they have received an (amount)-per-lot contribution prior to final plat approval. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services)*
12. The final plat shall show the no-build/alteration zone on the steep slopes, as shown on the preliminary plat. *(Section 3-2-8(b)(v), RCSR, Effects on Natural Environment and Public Health & Safety)*

13. The 40-foot wide irrigation and drainage easement on Lot 2 shall be shown on the final plat as shown on the preliminary plat. (*Section 3-2-8(b)(v), RCSR, Effects on Agricultural Water User Facilities*)
14. The 100-foot wastewater treatment facility setback shall be prominently shown on the final plat with a label in large, bold font. Also, ensure that the setback is shown on the map approved by DEQ. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment and Public Health and Safety*)

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The following items shall be included in the final plat submittal, as may be required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq.

1. A statement from the project surveyor or engineer prior to final plat approval outlining how each final plat requirement or condition of approval has been satisfied.
2. One paper and two Mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) The final plat shall conform to the preliminary plat decision. In accordance with the conditions of approval and RCSR Section 3-4-4(a)(ii), the following features are required on the Final Plat:
 - a. Project name
 - b. Title block
 - c. Certificate of registered owner – notarized
 - d. Certificate of registered land surveyor with seal
 - e. Certificate of governing body approval
 - f. Signature block for Clerk and Recorder, preferably in lower right hand corner
 - g. Certificate of public dedication
 - h. Certificate of park cash-in-lieu payment
 - i. Other certifications as appropriate
 - j. North arrow
 - k. Graphic scale
 - l. Legal description
 - m. Property boundaries (bearings, lengths, curve data)
 - n. Pertinent section corners and subdivision corners
 - o. Names of adjoining subdivisions/certificates of survey
 - p. Monuments found
 - q. Witness monuments
 - r. Acreage of subject parcel
 - s. Curve data (radius, arc length, notation of non-tangent curves)

- t. Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
 - u. Lots and blocks designated by number (dimensions/acreage)
 - v. Easements/rights of ways (location, width, purpose, ownership)
 - w. Dedication for public use
 - x. No-build/alteration zones
 - y. No-ingress/egress zones
 - z. Water resources (rivers, ponds, etc.)
 - aa. Floodplains
 - bb. Irrigation canals including diversion point(s), etc.
 - cc. High-pressure gas lines
 - dd. Existing and new roads (names, ownership, etc.)
 - ee. Existing and proposed utility, irrigation, and drainage easements, as shown on the preliminary plat, shall be shown on the final plat.
 - ff. No ingress/egress zones along Eastside Highway, excepting the approved approach off Eastside Highway.
 - gg. No-build/alteration zones, as shown on the preliminary plat, shall be shown on the final plat.
 - hh. The internal subdivision road shall be labeled as "public road and utility easement" on the final plat.
 - ii. The 40-foot wide irrigation and drainage easement shall be shown on the final plat as shown on the preliminary plat.
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
 4. Any variance decisions shall be submitted with the final plat submittal.
 5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
 6. The final plat review fee shall be submitted with the final plat submittal.
 7. Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
 8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
 9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
 10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
 11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
 12. A copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurers Office for the payment of cash-in-lieu of parkland dedication.

13. Road and Driveway approach and encroachment permits from RCRBD and/or MDOT as appropriate.
14. Evidence of Ravalli County approved road name petitions for each new road.
15. Engineering plans and specifications for all central water and sewer systems and any other infrastructure improvements requiring engineering plans.
16. Final Road Plans and Grading and Storm Water Drainage Plans for the internal roads shall be submitted with the final plat submittal.
17. Road certification(s).
18. Utility availability certification(s) shall be submitted with the final plat submittal.
19. A Road Maintenance Agreement, signed and notarized, shall be submitted with the final plat submittal.
20. Signed and notarized Master Irrigation Plan, or if one is not required, written and notarized documentation showing how the water rights are to be divided or written and notarized documentation indicating that the water rights will be removed from the property.
21. A notarized statement from each downstream water user specifically authorizing any alteration, such as installation of culverts, bridges, etc., or relocation of an irrigation ditch.
22. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
23. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.
24. A copy of the letter sent to the Florence School District stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.
25. Signed and notarized homeowner association documents, including bylaws, covenants, and/or declarations.
26. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2).
 - a. Specific infrastructure improvements required for this subdivision are the installation of stop signs and road name signs at roadway intersections and the construction of the internal subdivision road.

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

A. Provides easements for the location and installation of any planned utilities.

Findings of Fact

1. Existing utilities are located along the Eastside Highway frontage of the subdivision, and in the easement for Reflection Court. (Reflection Subdivision File)
2. A proposed 60-foot wide road and utility easement, Reflection Court, will provide utilities to proposed Lots 1 and 2. (Reflection Subdivision File)
3. *Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)*

Conclusion of Law

The proposed subdivision application provides for utility easements.

B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.

Findings of Fact

1. The subject property gains legal and physical access from Eastside Highway. (Reflection Subdivision File)
2. The internal road Reflection Court will provide legal and physical access to all lots within the subdivision. (Reflection Subdivision File)
3. Approximately 60-feet of the easement for Reflection Court traverses an adjacent property to the north. The subdivider is the owner of the parcel to the north. (Reflection Subdivision File)
4. A Road Maintenance Agreement outlines what parties are responsible for maintaining the road within the subdivision, and under what conditions. (Reflection Subdivision File)
5. *The following condition and requirements will ensure there is legal and physical to both lots:*
 - *The applicants are required to submit an approach permit from MDT for the internal subdivision road approach. (Final Plat Requirement 13)*
 - *The applicants are required to construct the internal subdivision road to meet County standards prior to final plat approval. (Final Plat Requirement 26)*
 - *The applicants shall provide for a 60-foot wide public road and utility easement for the internal subdivision road on the final plat. (Condition 10 and Final Plat Requirement 2)*

Conclusion of Law

Legal and physical access will be provided on Eastside Highway and the internal road.

- C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.**

Findings of Fact

1. The applicant is proposing to construct Reflection Court to meet current county standards. The road plans have been preliminarily approved by the Ravalli County Road and Bridge Department. (Reflection Subdivision File) (Exhibit A-10)
2. The applicant is required to submit evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider prior to final plat approval. The subdivider may submit an improvements guarantee with the final plat submittal. (Section 3-4-4(a)(xxvi) and Section 3-4-2, RCSR)
3. *Specific infrastructure improvements required for this subdivision are the installation of a stop sign and road name sign at roadway intersection and the construction of the internal subdivision road. (Condition 8 and Final Plat Requirement 26)*

Conclusion of Law

The final plat requirements or an improvements agreement and guaranty will ensure that all improvements are installed.

- D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:
 - (i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
 - (ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and

- the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
- (iii) reserve and sever all surface water rights from the land.
2. There are no water rights associated with this property. (Reflection Subdivision File)

Conclusion of Law

Since there are no water rights, this prerequisite does not apply.

- E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) (the proposal does not meet the criteria in this subsection), the subdivider is required to establish ditch easements in the subdivision that:
 - (a) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
 - (b) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
 - (c) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
2. The applicant is proposing a 40-foot wide irrigation/drainage easement on an existing pipeline, which traverses the southern portion of Lot 2. (Reflection Subdivision File)
3. The placement of structures or the planting of vegetation other than grass within the irrigation easement is prohibited. (76-3-504(1)(k) MCA).
4. *To ensure that the provisions of 76-3-504(1)(k) MCA are met, the following requirement and conditions shall be met prior to final plat approval:*
 - *The proposed 40-foot wide irrigation/drainage easement is required to be shown on the final plat, as shown on the preliminary plat. (Final Plat Requirement 2)*
 - *A notification that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications document. (Condition 1)*
 - *A notification that lot owners do not have the right to take water from the irrigation pipeline shall be included in the notifications document. (Condition 1)*

Conclusion of Law

With the conditions and requirements of final plat approval, this prerequisite will be met.

F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.

Finding of Fact

Parkland dedication is not required for two-lot first minor subdivisions. (Section 3-3-2(b), RCSR)

Conclusion of Law

This requirement is not applicable.

COMPLIANCE WITH APPLICABLE REGULATIONS

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

A. These regulations, including, but not limited to, the standards set forth in Chapter 5.

Findings of Fact

1. The lot layout as indicated on the preliminary plat meets the design standards in Chapter 5 of the RCSR. (Reflection Subdivision File)
2. This development plan proposal has followed the necessary application procedures and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations. (Reflection Subdivision File)

Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR.
2. The procedures for the application and review of this proposed subdivision as outlined in Chapter 3 of the RCSR, have been followed.

B. Applicable zoning regulations.

Findings of Fact

1. This subdivision was not subject to the settlement agreement filed in the *Lords et al. v. Ravalli County* lawsuit regarding the Interim Zoning Regulations enacted November 7, 2006. However, based on a timeline established by the County, the subdivision should have received a decision prior to the interim zoning regulations coming into effect. On the advice of legal counsel, the subdivision is being reviewed as if it was part of the settlement and may be affected by future actions resulting from said settlement.

2. The property is not within one of the voluntary zoning districts in Ravalli County. (Reflection Subdivision File)

Conclusion of Law

Zoning does not apply at this time.

C. Existing covenants and/or deed restrictions.

Finding of Fact

There are no existing covenants on the property. (Reflection Subdivision File)

Conclusion of Law

Since there are no covenants, this does not apply.

D. Other applicable regulations.

Findings of Fact

1. Following are applicable regulations:
 - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
 - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
 - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
 - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
 - Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. Prior to final plat approval, the applicants are required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)

Conclusion of Law

With the requirements of final plat approval, the application will meet all of the applicable regulations.

E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed minor subdivision on 3.84 acres will result in two lots that range in size from 1.83 to 2.01 acres. The property is located east of the community of Florence off Eastside Highway. (Reflection Subdivision File)
2. The property is adjacent to other agricultural properties. (Montana Cadastral Database created by Montana Department of Administration, Information

- Technology Services Division, Geographic Information Services and 2005 Aerial Photography created by the National Agricultural Imagery Program)
3. The property has been used as pasture for horses in the recent past. (Reflection Subdivision File)
 4. According to the Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS), there is one type of soil listed as Prime Farmland if irrigated (map unit 130B). This soil composes approximately 15% of the property. (Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
 5. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Spotted Knapweed was scattered on the property. The plan has been approved by the Weed Board and Section 3-4-5(b)(vi) requires that the plan is filed with the final plat. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, the plan shall be submitted to the weed board for approval by the board. (Reflection Subdivision File)
 6. The application states that the subdivider has preserved 16 acres immediately to the west of the proposed subdivision for the sole use of agriculture, but did not describe how the land is preserved or how they will ensure agricultural use will be the sole use of the land. The property is owned by the same individual proposing this subdivision. (Reflection Subdivision Application)
 7. *Following are conditions and requirements of final plat approval that will help mitigate the impacts of the subdivision on agriculture:*
 - *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*
 - *The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)*
 - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on agriculture will be reduced.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. There are no water rights associated with this property. (Reflection Subdivision Application)

2. There is an existing irrigation pipeline traversing the southern portion of Lot 2. The pipeline will be located within a proposed 40-foot irrigation/drainage easement. (Reflection Subdivision Application)
3. *To mitigate impacts on agricultural water user facilities the applicant shall meet the following conditions and requirement:*
 - *A notification of the irrigation ditch traversing Lot 2 and the associated easement shall be included in the Notifications Document. (Condition 1)*
 - *A notification that neither of the lots have water rights shall be included in the Notifications Document. (Condition 1)*
 - *The 40-foot wide irrigation and drainage easement on Lot 2 shall be shown on the final plat as shown on the preliminary plat. (Condition 13 and Requirement 2)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on agricultural water user facilities.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire Department

1. The subdivision is located within the Florence Rural Fire District. (Reflection Subdivision File)
2. The All Valley Fire Council, which includes the Florence Rural Fire District, has adopted Fire Protection Standards (outlined in document from the Hamilton Rural Fire District) that address access, posting of addresses, and water supply requirements. (Exhibit A-11)
3. *The following conditions will mitigate impacts of the subdivision on the Fire District:*
 - *Provisions in the covenants requiring that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
 - *The covenants shall include a recommendation that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. For more information, contact the Montana Department of Labor and Industry, at PO Box 1728, Helena, MT 59624-1728 or call 406-444-2840. (Condition 2)*
 - *The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*
 - *Prior to final plat approval, the subdividers shall provide a letter from the Florence Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdividers may provide evidence that a \$500-per-lot contribution has been made to the Florence Rural Fire District with the*

final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)

- *The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Florence Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Rural Fire District for further information". (Condition 6)*

School District

4. The proposed subdivision is located within the Florence-Carlton School District. (Reflection Subdivision File)
5. It is estimated that approximately one school-aged child will be added to the Florence School District, assuming an average of 0.5 children per household. (Census 2000)
6. The applicant is proposing to contribute \$250 to the School District. (Reflection Subdivision File)
7. Notification letters were sent to the Florence School District requesting comments on August 1, 2007 and February 21, 2008. (Reflection Subdivision File)
8. In a letter received August 9, 2007, the Florence-Carlton school district requested \$10, 418 per lot – an amount based off an impact fee study completed for the district. (Exhibit A-1)
9. The cost per pupil for one year in the Florence School District, excluding capital costs, is \$6,686. Taxes from new residents are not immediately available to the school districts. (Exhibit A-15)
10. *Staff recommends that the applicant negotiate a contribution with the BCC, in consultation with the Florence School District, if possible, to mitigate potential impacts of the additional students on the School District. (Condition 11 and Final Plat Requirement 24)*

Public Safety

11. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Reflection Subdivision File)
12. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on August 1, 2007 and February 21, 2008, but no comments have been received from the Sheriff's Office. (Reflection Subdivision File)
13. This proposed subdivision is located approximately 30 miles from the Sheriff dispatch in Hamilton. (Ravalli County GIS Data)
14. The average number of people per household in Ravalli County is 2.5. (Census 2000)
15. The applicant has not proposed any mitigation for the impacts of the additional 2.5 people on Public Safety Services prior to taxes being collected for the additional households. (Reflection Subdivision Application)
16. The applicant is not proposing a contribution to the Sheriff's Office, E-911, or the Department of Emergency Services. (Reflection Subdivision File)

17. *To mitigate impacts on Ravalli County Public Safety Services, the subdivider shall submit a (amount)-per-lot contribution to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. (Condition 9)*

Roads

18. There are two proposed residential lots within this subdivision. It is estimated at build-out that this subdivision could generate a total of 8 additional vehicular trips per day, assuming eight trips per day per lot. (Reflection Subdivision File)
19. Eastside Highway provides access to the site. (Reflection Subdivision File and Ravalli County GIS Data)
20. The applicant is not required to improve or pay pro rata towards improving Eastside Highway. (Section 5-4-5, RCSR)
21. The applicant has received an approved approach permit from the Montana Department of Transportation (Reflection Subdivision Application)
22. There is a proposed Road Maintenance Agreement for the internal road Reflection Court. (Reflection Subdivision File)
23. It does not appear that the applicant is proposing a stop sign and road name sign at the intersection of Reflection Court with Eastside Highway. (Reflection Subdivision File)
24. The applicant is proposing to construct Reflection Court to meet County standards. (Reflection Subdivision Application)
25. The road plans have received preliminary approval from the Ravalli County Road and Bridge Department. (Exhibit A-10)
26. *To mitigate impacts on the roads leading to the subdivision, the following conditions and requirements shall be met:*
- *A copy of the General Discharge Permit for Stormwater Associated with Construction Activity from DEQ shall be submitted prior to final plat approval, if applicable. (Final Plat Requirement 10)*
 - *Prior to final plat approval, evidence of Ravalli County approved road name petition for the new road shall be provided. (Final Plat Requirement 14)*
 - *Final Road Plans and Grading and Storm Water Drainage Plans for the internal roads shall be submitted with the final plat submittal. (Final Plat Requirement 16)*
 - *A Road Maintenance Agreement shall be signed, notarized, and submitted for the internal roads. (Final Plat Requirement 19)*
 - *A notification of the Road Maintenance Agreement for the internal roads shall be included in the notifications document filed with the final plat. (Condition 1)*
 - *To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Conditions 2 and 3)*
 - *A stop sign and road name sign shall be installed at the intersection of Reflection Court with Eastside Highway prior to final plat approval. (Condition 8)*

- *The easements for the internal subdivision roads shall be labeled as public road and utility easements on the final plat. (Condition 10)*
- *The final plat shall show a no-ingress/egress zone along the Eastside Highway frontage of the subdivision, excepting the approved approaches to Reflection Court from Eastside Highway, as approved by the Montana Department of Transportation. (Condition 7 and Final Plat Requirement 2)*
- *A notification of the limitation of access will be included in the notifications document. (Condition 1)*
- *The applicant shall submit a final approved approach permit from the Montana Department of Transportation prior to final plat approval. (Final Plat Requirement 13)*

Ambulance Services

27. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department and/or Missoula Emergency Services. Marcus Daly and Missoula Emergency Services were contacted, but no comments have been received to date. (Reflection Subdivision File)
28. *To mitigate impacts on emergency services, the subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*

Water and Wastewater Districts

29. Individual wells and wastewater treatment systems are proposed to serve the lots. The property is not near any municipal water or wastewater systems. (Reflection Subdivision File)

Solid Waste Services

30. Bitterroot Disposal provides service to this site. (Reflection Subdivision File)
31. Notification letters were sent to Bitterroot Disposal requesting comments on August 1, 2007 and February 21, 2008, but no comments have been received. (Reflection Subdivision File)

Utilities

32. The proposed subdivision will be served by Ravalli Electric Cooperative and Qwest Communications. Utility companies have been notified of the proposed subdivision. (Reflection Subdivision File)
33. Notification letters were sent to the utility companies requesting comments on August 1, 2007 and February 21, 2008. No comments have been received by either power company. (Reflection Subdivision File)
34. *The following requirements will mitigate impacts of the subdivision on local utilities:*
 - *Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)*
 - *The applicant shall submit utility availability certifications from Northwestern Energy, Ravalli Electric Cooperative, and Qwest Communications prior to final plat approval. (Final Plat Requirement 18)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced.

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Surface Water Features

1. The Bitterroot River is considered a "waters of the United States" and is therefore protected under the Clean Water Act. (33 Code of Federal Regulations Part 328)
2. Wastewater facilities are required to be setback 100 feet from the floodplain of the Bitterroot River. (Article 4, Section 4.2(J), Ravalli County Subsurface Wastewater Treatment and Disposal Regulations)
3. The applicant is proposing a no-build/alteration zone on the steep slopes along the western property boundary. (Reflection Subdivision File)
4. The applicants are proposing individual wells and wastewater treatment facilities for all Lots. The applicants submitted water and sanitation information per MCA 76-3-622 for the proposed systems. (Reflection Subdivision File)
5. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Exhibit A-4, MCA 76-3-622)
6. *To mitigate impacts on the Natural Environment, the applicant is required to complete the following:*
 - *Submit a DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*
 - *The no-build/alteration zone shall be shown on the final plat as proposed on the preliminary plat. (Condition 12 and Final Plat Requirement 2)*
 - *A provision explaining the no-build/alteration zones shall be included in the covenants. (Condition 2)*
 - *The 100-foot wastewater treatment facility setback shall be prominently shown on the final plat with a label in large, bold font, and the notifications document shall include a provision referring to the setback. Also, the setback shall be shown on the map approved by DEQ. (Conditions 1 and 14)*

Light Pollution

7. The addition of residences in this area has the potential to increase light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark Sky Association)
8. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*

Air Pollution

9. The Montana DEQ has identified that burning sources – such as fireplaces and wood stoves – are the most common sources of particulate matter (PM-10 and PM-2.5). The smaller PM-2.5 particles, often referred to as "fine particulates," are easily inhaled and can cause tissue damage, emphysema, bronchitis, and cardiovascular complications. Children, seniors, and

individuals with pre-existing respiratory diseases are most susceptible to these health risks. (Montana DEQ Citizens Guide to Air Quality in Montana <http://www.deq.mt.gov/AirMonitoring/citguide/understanding.asp>)

10. *To mitigate impacts on air quality, the covenants shall include a provision recommending that homeowners refrain from installing wood stoves. (Condition 2)*

Vegetation

11. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Spotted Knapweed was scattered on the property. (Reflection Subdivision File)
12. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (MCA 7-22-2152)
13. According to the Montana Natural Heritage Program, there are no sensitive plant species located within the same section as this subdivision. (Reflection Subdivision File and MNHP)
14. *To mitigate impacts on natural environment, the following items will be required for final plat approval:*
 - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*
 - *The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision. (Final Plat Requirement 11)*
 - *The no-build alteration zone will be shown on the final plat as proposed on the preliminary plat. (Condition 12 and Final Plat Requirement 2)*
 - *The covenants shall include a provision explaining the no-build/alteration zones. (Condition 2)*
 - *A notification of the no-build/alteration zones shall be included in the notifications document. (Condition 1)*

Historical/Archeological Sites

15. There are no known sites of historical significance on the property. (Reflection Subdivision File)
16. *To ensure that any possible historical sites are preserved, the following statement shall be included in the covenants: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 2)*

Conclusion of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval.

CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT

Findings of Fact:

1. Notification letters were sent to Montana Fish, Wildlife, and Parks (MFWP) requesting comments on August 1, 2007 and February 21, 2008. (Reflection Subdivision File)
2. MFWP did not comment on the proposal, but have submitted comments for similar subdivisions. (Reflection Subdivision File)
3. On March 19, 2008, Planning Staff contacted by phone MFWP to determine whether comments would be submitted. At the time of the printing of this staff report, no comments have been received. (Staff Determination)
4. The property is not located within big-game winter range. (FWP GIS Data)
5. According to the Montana Natural Heritage Program, the Lewis's Woodpecker was identified as animal species of concern that could exist in the same section as the proposal. The subdivider requested and received a waiver from the requirement to submit a sensitive species report for the species based on a lack of habitat on the property. (Exhibit A-6 and Reflection Subdivision File)
6. *To mitigate impacts on wildlife, the following conditions shall be met:*
 - *The covenants shall include a living with wildlife section. (Condition 2)*
 - *The protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts on Wildlife & Wildlife Habitat will be reduced.

CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. Access is proposed off Eastside Highway. (Reflection Subdivision File)
2. *The requirements and conditions listed under Roads in Criterion 3 (Effects on Local Services) will mitigate the impacts of the subdivision on traffic safety.*

Emergency Vehicle Access and Response Time

3. The proposed subdivision will be served by the Florence Rural Fire District, the Ravalli County Sheriff's Office, Ravalli County E-911, and the Ravalli County Department of Emergency Services, Missoula Emergency Services, and Marcus Daly Memorial Hospital EMS Department. (Reflection Subdivision File)
4. *The requirements and conditions listed under Fire Department, Public Safety, Emergency Services, and Roads in Criterion 3 (Effects on Local Services) will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

Water and Wastewater

5. The applicant is proposing individual wells and wastewater facilities to serve all lots. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Reflection Subdivision File and Exhibit A-4)

6. *The applicant is required to submit a DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

Natural and Man-Made Hazards

7. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
8. The preliminary plat and soils map indicate there are soil types on the property that are considered "Very Limited" for construction of roads and/or buildings. (Reflection Subdivision File)
9. The length of the western property boundary has slopes greater than 25%. The applicant is proposing to place a no-build/alteration zone along these steep slopes. (Reflection Subdivision File)
10. A professional survey for this property shows that the floodplain of the Bitterroot River is located along the western property boundary. (Exhibit A-9)
11. *To mitigate impacts on the public's health and safety, the following conditions shall be met:*
 - *The covenants shall include a statement regarding radon exposure. (Condition 2)*
 - *The protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*
 - *A notification of "Very Limited" soils shall be included in the notifications document. (Condition 1)*
 - *The no-build/alteration zone shall be shown on the final plat as shown on the preliminary plat. (Condition 12)*
 - *Provisions regarding the no-build/alteration zone shall be included in the notifications document and in the covenants documents. (Conditions 1 and 2)*
 - *A notification of the proximity of the Bitterroot River will be included in the notifications document. (Condition 1)*

Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safety.

Commissioner Grandstaff opened public comment.

Kristin stated they are in agreement with the Staff Report. She stated Mr. Hurtt put the 16 acres to the west as agricultural land into a covenant in order to protect it.

Dave stated it is also in the floodplain, therefore it is included in the no build/alteration zone. He discussed the contribution for the Fire District. He stated there is a pond and if the Fire District would like to put a water point there, they are welcome. He would prefer

it in lieu of contribution. Commissioner Grandstaff stated it will be addressed in the review criteria.

Commissioner Grandstaff closed public comment and opened Board deliberation.

Criterion 1: Effects on Agriculture: Commissioner Driscoll questioned the agricultural operations in the area. Dave replied the neighbor to the north abandoned hay production. The other neighbor to the south does hay production.

Commissioner Grandstaff stated the Board has been asking developers for a contribution to mitigate the effects on agriculture. **Dave agreed to \$250 per lot prior to final plat for the Open Lands Program to mitigate the effects on agriculture.**

All Commissioners voted sufficiently mitigated.

Criterion 2: Effects on Agricultural Water User Facilities: All Commissioners voted sufficiently mitigated.

Criterion 3: Effects on Local Services: Commissioner Grandstaff asked if the Fire District has to be in agreement to accept the pond as a water source in lieu of contribution. John replied yes. Dave stated the Fire District will be contacted to accept the offer.

Commissioner Grandstaff discussed the offered school contribution. **Dave reiterated his original offer of \$250 per lot upon final plat for School contribution.**

Commissioner Grandstaff asked about the Public Safety contribution. Dave stated they have put a Stop Sign at the entrance of the lot. Commissioner Grandstaff stated the offered contribution goes to the Sheriff's Office, 9-1-1, and other emergency services. **Dave offered \$500 per lot for Public Safety with \$250 upon final plat and the other \$250 upon first conveyance.**

Commissioners Thompson, Chilcott and Driscoll voted sufficiently mitigated.
Commissioner Grandstaff voted non-sufficiently mitigated.

Criterion 4: Effects on Natural Environment: All Commissioners voted sufficiently mitigated.

Criterion 5: Effects on Wildlife & Wildlife Habitat: All Commissioners voted sufficiently mitigated.

Criterion 6: Effects on Public Health & Safety: All Commissioners voted sufficiently mitigated.

Commissioner Grandstaff stated the Board typically requests a contribution of \$200 per lot for impacts on county services. Dave agreed to \$200 per lot to operational services upon final plat.

John recapped the offered mitigation as follows:

\$250 per lot upon final plat for the Open Lands Program to mitigate the effects on agriculture, \$250 per lot upon final plat for School contribution, \$500 per lot for Public Safety with \$250 upon final plat and the other \$250 upon first conveyance, \$200 per lot to operational services upon final plat and to contact the Florence Fire District regarding the use of the pond for a water source in lieu of contribution.

Commissioner Chilcott made a motion to approve Reflection Minor Subdivision based on findings of fact, conclusions of law and subject to the conditions in the Planning Staff Report and as mitigated here today. Commissioner Thompson seconded the motion. All voted 'aye'.

► The Board met for a discussion of WGM Group on Subdivision Review for Hawkes Landing. Present were Civil Counsel Karen Mahar, Planner Renee Lemon, WGM Consultant Kristin Smith, Planning Board Member Chip Pigman and several citizens.

Renee stated the purpose of the meeting today is to talk about general process and expectations of the Board and to also introduce Kristin Smith. Commissioner Thompson stated the Planning Department and Staff has done an excellent job in reviewing the criteria and bringing forth accurate information with rationale. He stated he was visited the property and noted there is a possibility in the future of hooking up to Stevensville public systems with the proper easements granted.

Commissioner Grandstaff asked if the Stevensville Town Council had been contacted for comments. Renee replied yes, however, nothing has been received. They will receive a full application and she recommends having David Ohnstad brought in for traffic questions. Commissioner Grandstaff stated they may want to comment on the water plan for the sewer such as a 20-year sewer plan and the status of the grant request for the city water line. Commissioner Grandstaff asked Chip Pigman if he knew of Stevensville's long term plans. Chip replied to his knowledge, they are looking to go south with the main line. He stated the Hawkes Landing is 160 units on 91 acres. He further stated they did have a plan to tie into the city water line but the town had shown no interest to move forward.

Commissioner Grandstaff requested Renee take into account Stevensville's growth policy to consider any future expansion. Kristin asked if the sewer system would be designed to accommodate future connection. PCI Representative Tom Hansen replied it is a possibility. He stated it is not an aggressive growth policy. Commissioner Chilcott requested the developer bring in offered mitigation to the impacts to help to expedite the meeting. Commissioner Grandstaff reviewed typical mitigation from previous subdivisions for an example. Chip discussed possibilities of mitigation and how it would

tie into the Consumer Price Index. Commissioner Grandstaff discussed the contribution to the school districts. She stated the Board does have data to back up the requested contributions during mitigation.

PCI Representative Bill Burnett asked if the Board will be looking at the cost per student rather than per lot. Commissioner Grandstaff replied she does not know, but the average is about \$500 per lot. Commissioner Chilcott stated in the past, there has been different offerings but typically it has been .5 pupils per house.

Renee requested a copy of the application as soon as it is deemed sufficient for the Board. Kristin replied yes, she will forward it.

Commissioner Chilcott stated there is always the concern of the water source and whether you propose shared wells or individual wells. Tom stated they will be proposing a community water supply. Commissioner Thompson asked if Chip is proposing a community park. Chip replied he is still planning on a central park. They exceed the parkland dedication. Discussion followed regarding the park being private or public. Chip stated he would prefer to keep it private but it can be discussed during subdivision review.

Minutes: Glenda Wiles

► The Board met for the bid opening of the Hot Plant Asphalt/Equipment Rental and magnesium chloride. Bids were as follows:

- Asphalt: Helena Sand and Gravel DBA Blahnik - \$37.20 ton / \$167,400 total
- Equipment Rental: Helena Sand and Gravel for equipment rental with a schedule attached
- Magnesium Chloride: Helena Sand and Gravel - Dust Abatement at \$104.88 per ton
- Magnesium Chloride: WE Dust Control at \$89.00 per ton

Commissioner Chilcott made a motion to have the Road Department review the bids making their recommendation prior to the Commissioner's award. Commissioner Driscoll seconded the motion and all voted "aye".

► The Board met to review the Human Resource Director applications in order to determine which applicants they would like to interview. Present were Commissioners Grandstaff, Thompson and Chilcott as well as Comptroller Jana Exner and Deputy County Attorney Karen Mahar. Karen suggested they have a scoring process along with an odd numbered Selection Committee. Due to Commissioner Driscoll's conflict of interest with one of the applicants, it was suggested that Jana be part of the Selection Committee. The Commissioners concurred. Karen suggested they establish the procedure of scoring in order to select the applicants for meeting the minimum qualifications; decide if they need any written testing; score numerically (MACo recommends they have sample ideal answers to the test); then interview the applicants.

The Board decided to review the applicants for minimum qualifications; a list of oral questions to include hypothetical cases; not to utilize any scoring process; but to utilize the 'model answers'. No written tests will be conducted and their option to have a final interview if the applicants are close in their abilities.

Karen will check with Jack Holstrom about not utilizing a point system.

The Board then made a review of the applications for the minimum requirements deciding the process of reviewing the applicants will be ongoing at this time.